

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 369, FOOD AND DRUGS ACT.

MISBRANDING OF CANNED TOMATOES.

On or about September 11, 1909, the John Boyle Company, Baltimore, Md., shipped from the State of Maryland to the District of Columbia 940 cases of canned tomatoes. An examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed against the said 940 cases of canned tomatoes charging misbranding, in that each can was labeled "Stanley Brand Solid Meat Tomatoes First Quality Packed by Thomas L. Stanley, Elkton, Md." which form of labeling was false, misleading, and deceptive, in that each can contained a large amount of free liquor and did not contain solid meat tomatoes, and further, in that each can did not contain first quality solid meat tomatoes, and praying seizure, condemnation, and forfeiture.

On September 28, 1909, the case came on for hearing and the court rendered a decree of condemnation and forfeiture, and directed that the goods be released to the owner upon the payment of costs and filing of a bond to be approved by the court, conditioned that the said goods should not be disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 19, 1910.*

